



MAYOR AND COUNCIL AGENDA

NO. 3

DEPT.: Community Planning and Development Services
STAFF CONTACT: Cas Chasten, Planner III

DATE PREPARED: 4/4/05
FOR MEETING OF: 4/11/05

SUBJECT: Discussion and Instructions to Staff for the request to allow development of the property located at 196 East Montgomery Avenue for residential and retail land use in lieu of the office and retail land uses approved under Preliminary Development Plan PDP1994-0001E.
Applicant: Rockville Renaissance West, LLC

RECOMMENDATION: Direct staff to finalize the resolution with the conditions contained in Attachment 1 (Circle Page 1).

DISCUSSION:

This case has been discussed at several Mayor and Council meetings over the last several months. At the March 21, 2005 meeting, the Mayor and Council continued its discussion of the project proposal, by receiving a presentation from the applicant addressing concerns about the massing and heights of the proposed development. The applicant presented a scaled model of the proposed site development, denoting several options on the potential massing and height of the project, in order to help facilitate the discussion.

After considering the information provided, it was the general consensus of the Mayor and Council that the massing and proposed height of the development project still did not adequately address all of the Mayor's and Council's concerns. Thus, the purpose of the April 11, 2005 meeting is to continue discussion and instruction to allow the applicant another opportunity to address issues the Mayor and Council raised at its March 21, 2005 meeting, and present additional options regarding the massing and height of the development project.

The applicant has modified the design of the proposed buildings, attempting to address concerns raised by the Mayor and Council, so the upper levels of the proposed buildings are setback greater than five (5) feet from the face of the lower levels (See Attachment 2). Under the amended proposal, the upper levels of the buildings have been setback 30 feet from the exterior face of all building walls. By setting back the upper levels of the proposed buildings 30 feet from the exterior building walls, the applicant has achieved a "wedding cake" design that the Mayor and Council suggested in its previous discussions with the applicant.

Under the amended proposal, the building that would be constructed on Parcel 2-J (West of Renaissance Street) would have a maximum height of 154 feet and the building constructed on Parcel 2-K (East of Renaissance Street) would have a maximum height of 185 feet. Both buildings would have a maximum height of 85 feet along each street frontage, with a minimum 30 foot setback from the exterior face of the building. At the 85 foot level the upper floors would extend to the noted maximum building heights (See Attachment 2).

Staff notes that the Mayor and Council's March 21, 2005 agenda for this project is attached for informational purposes.

PREPARED BY:

Castor D. Chasten
Castor D. Chasten, Planner III

APPROVED BY:

Scott Parker
Scott Parker, AICP, Acting Chief of Planning

4/5/05
DATE

APPROVED BY:

Arthur D. Chambers
Arthur D. Chambers, AICP, Director

4/5/05
DATE

APPROVED BY:

Scott Ullery
Scott Ullery, City Manager

4/5/05
DATE

LIST OF ATTACHMENTS:

1. Proposed Draft Resolution (Circle Page 1)
2. Sketches Denoting Building Heights & Elevations (Circle Pages 15,16,17)
3. Mayor and Council (3/21/05) Agenda (Circle Page 18)

ATTACHMENT "1"

Resolution No. _____

RESOLUTION:

To approve, with conditions,
Amendment to Preliminary
Development Plan
Application No. PDP1994-
00001E, Rockville
Renaissance West, Applicant

WHEREAS, by letter dated April 27, 1994, the City of Rockville Planning Commission approved Preliminary Development Plan PDP94-001, Rockville Center, Inc., Applicant, to redevelop the former Rockville Mall with 1,274,625 square feet of office space, 148,997 square feet of retail space, and 117 residential dwelling units, subject to certain conditions as more fully set forth in said letter; and

WHEREAS, amendments to the Preliminary Development Plan, PDP1994-0001A through D were approved by the Planning Commission from time to time, subject to certain conditions as more fully set forth in the applicable approval letters; and

WHEREAS, the current approved Preliminary Development Plan as so amended provided for a phased, multiple building, mixed use development approved for 1,263,321 square-feet of office, 137,241 square feet of retail, a 67,370 square foot movie theatre, and 117 dwelling units, on five lots located at the southwest corner of the Rockville Pike and East Middle Lane intersection; and

WHEREAS, the Applicant (the owners of Parcel 2-J Lot 3 and Parcel 2-K Lot 2 proposes to retain the approved buildings and uses on Lots 1, 4 and 5, but modify the uses, heights, massing and density on Lots 2 and 3; and

WHEREAS, the Applicant proposes certain alternative uses permitting office or hotel be approved; and

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WHEREAS, no other changes to the approved Preliminary Development Plan are proposed; and

WHEREAS, Rockville Renaissance West c/o The John Akridge Company, 601 13th Street, NW, Washington, DC – owner of Parcel 2-J Lot 3, (with the further consent of Tower 2 Associates, Inc. – owner of Parcel 2-K Lot 2) filed an Amendment to Preliminary Development Plan Application PDP1994-00001, requesting approval of an amendment to change certain approved office uses to residential with the option of hotel use within the Preliminary Development Plan; and

WHEREAS, pursuant to Section 25-682 of the Zoning and Planning Ordinance, the Planning Commission and the Mayor and Council held a joint worksession on September 20, 2004, to review the proposed application; and

WHEREAS, pursuant to Section 25-682 of the Zoning and Planning Ordinance, the Planning Commission, at its meeting of October 27, 2004, reviewed the subject application and recommended the Mayor and Council not approve the application without further modification to the application as set forth in a letter dated November 1, 2004, and

WHEREAS, the Applicant made further modification to the Application as requested by the Planning Commission;

WHEREAS, pursuant to Section 25-682 of the Zoning and Planning Ordinance, the Mayor and Council gave notice that a public hearing on said Application would be held by the Mayor and Council of Rockville in the Council Chambers at Rockville City Hall on November 1, 2004, at 7:00 p.m. or as soon thereafter as it may be heard, at which parties in interest and citizens would have an opportunity to be heard; and

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WHEREAS, on November 1, 2004, the said application came on for hearing at the time and place indicated in said notice; and

WHEREAS, said matter having been fully considered by the Mayor and Council, including comments from the Planning Commission and the public, the Mayor and Council having found and determined that approval of the Optional Method of Development is in substantial accordance with the Master Plan, is consistent with the intent and purpose of the Special Development Procedures set forth in the Zoning and Planning Ordinance, and is compatible with adjacent existing and permitted uses and developments, as more specifically set forth below:

1. *The site must be a minimum of two acres.* The overall size of land subject to the Preliminary Development Plan is 8.1 +/- acres.
2. *The applicant must submit a traffic study in conformance with the Comprehensive Transportation Review methodology.* A traffic study was done in conjunction with the review of the initial Preliminary Development Plan application. The Applicant submitted an updated Traffic Statement that indicated that the changes proposed in the Application for changes in use and density would result in a significant reduction in trips in both the am and pm peak hours from that generated by the existing Preliminary Development Plan approval.
3. *Development is subject to an urban design review process.* One of the conditions of approval of the PDP is that each use permit must generally comply with the adopted Design Guidelines for the Town Center. The illustrative plan generally complies with the Design Guidelines.

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4. *A shadow study must be performed, such that no building can cast a shadow on an existing or approved residential structure between 10:00 a.m. and 2:00 p.m. on December 21.* At the time the original Preliminary Development Plan was approved, there was no development existing or proposed on the adjoining property to the north. The shadow impact area set forth in the shadow study submitted in 1994 for the buildings approved under the initial Preliminary Development Plan fell on parking lots or commercial buildings. The shadow study submitted by the Applicant indicates that any shadow falling on the proposed buildings north of Middle Lane between 10:00 a.m. and 2:00 p.m. will be no worse than the approved condition. With the reduction in approved heights of the buildings from a maximum of 235 feet over the 448' elevation to a maximum height of 158' on Parcel 2-J Lot 3 and 185' on Parcel 2-K Lot 2 over the East Montgomery Avenue sidewalk elevation, the shadow impact area will be reduced by the proposed amendment to the Preliminary Development Plan.

5. *There must be a mix of uses, including residential, office and commercial.* The proposed development includes a mix of office, residential, and retail/commercial uses.

6. *Pedestrian ways must link the site with adjoining properties and the Metro station.* The existing and proposed sidewalks will provide links both to the other commercial areas as well as to the Metro station. The East Montgomery Avenue sidewalk and the Maryland Avenue sidewalk with street level retail is consistent with and will complete the L-shaped pedestrian link between the Metro and Town Square set forth in the Master Plan.

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7. *Building heights may be allowed up to a maximum of 235 feet in the TCM-2 Zone.* The proposed PDP would reduce the height of the Parcel 2-J Lot 3 building from a maximum of 212 feet as measured from the 448-foot elevation to 158 feet above the East Montgomery Avenue sidewalk elevation, and the height on Parcel 2-K Lot 2 building from 235 feet as measured from the 448-foot elevation to 185 feet above the East Montgomery Avenue sidewalk elevation. This is allowed under the optional method.

8. *Where the development includes the provision of easements for public streets or pedestrian ways, the area of the rights of way or easement may be used to calculate the FAR.* These areas are included in the calculations.

WHEREAS, this matter having been fully considered by the Mayor and Council, the Mayor and Council having decided that the Preliminary Development Plan would promote the health, safety and general welfare of the Citizens of Rockville, the Mayor and Council further finding, pursuant to Section 25-683 of the Zoning and Planning Ordinance, based upon Preliminary Development Plan Application PDP1994-00001, as amended by PDP1994-001A through E, the Staff Report dated October 25, 2004, the Planning Commission Recommendation dated November 1, 2004, the public hearing of November 1, 2004, the supplemental staff reports dated December 8, 2004, February 22, 2005, March 16, 2005 and April 4, 2005, as well as the remaining matters contained in the record, as follows:

1. The application is in substantial accordance with the intent and purpose of Article XIII of the Zoning and Planning Ordinance. The proposed development is consistent with the intent of Article XIII as set forth in Section 25-671 of the Zoning and Planning Ordinance.

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2. The application is in substantial accordance with the Plan. The proposal generally implements many of the recommendations of the Town Center Master Plan. The project provides substantial residential density across the street from the Metro station and significant retail commercial street level uses, which are consistent with the intent of the Master Plan.

3. The application is compatible with adjacent existing and permitted uses and developments. The proposed development is part of an approved high-density office and retail development, confronts approved moderate-intensity mixed-use residential and retail development to the north as well as additional high-density office and government developments to the north and south, and is located in close proximity to the Metro rapid transit station by a pedestrian link within the development.

4. The application does not violate any provision of this Chapter or other applicable law.

5. The application does not violate or adversely affect the Plan.

6. The application will not overburden existing public services, including but not limited to water, sanitary sewer, public roads, storm drainage and other public improvements. The proposal is served by adequate water and sewer service. Since there is a reduction in the gross floor area and trip generation for the proposed use and density as compared to the approved Preliminary Development Plan, there will be a significant decrease in the traffic generated from this site under the ultimate development.

7. The application will not affect adversely the health or safety of persons residing or working in the subdivision or neighborhood. There is no evidence that health

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or safety will be adversely affected. The proposal provides for improved sidewalks consistent with the Town Center guidelines and on site structured parking.

8. The application will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. There will be no adverse impact from the approval of the PDP amendment since there is a reduction in heights, massing, traffic, and density from that of the project as currently approved.

9. The application will not be unsuitable for the type of development, the use contemplated and available public utilities and services. The proposed development is consistent with the recommendations of the Town Center Master Plan. Utilities and services are planned to accommodate the development proposed in the Master Plan.

10. The application will not unreasonably disturb existing topography, in order to minimize stormwater runoff and to conserve the vegetation cover and soil. Virtually the entire site is currently covered by buildings or other impervious surfaces. There will be no significant change to the topography of the site resulting from the proposed development.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Preliminary Development Plan Amendment Application PDP1994-00001E, be and the same is hereby approved, subject to the following conditions:

1. All conditions of approved Preliminary Development Plan 1994-001, as set forth in the approval letters dated April 27, 1994, June 19, 1996, July 22, 1998, August 2, 2000, and September 4, 2002, shall remain in effect except as specifically modified by

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this Amendment to Preliminary Development Plan Application PDP1994-00001E, and the conditions hereinafter set forth.

2. The total Preliminary Development Plan Allowable Uses approved under this Amendment are:

Use	Prior PDP	Amended PDP
Theatre	67,370 gsf	67,370 gsf
Retail/Commercial	137,241 gsf	107,266 gsf
Residential	117 du	617 du
Office	1,263,321 gsf	419,961 gsf

OR Allowable Uses if Parcel 2-K Lot 2 is primarily office:

Use	Prior PDP	Amended PDP
Theatre	67,370 gsf	67,370 gsf
Retail/Commercial	137,241 gsf	107,266 gsf
Residential	117 du	117 du
Office	1,263,321 gsf	619,961 gsf

3. The Preliminary Development Plan Allowable Uses by block under this Amendment are:

Block	Land Uses	Prior Approved Gross Floor Area	Approved Gross Floor Area/DU
1	Office	394,261 SF	394,261 SF
	Retail / Restaurant	36,700 SF	36,700 SF
	Subtotal	430,961 SF	430,961 SF
2	Office	480,375 SF	200,000 SF
	Residential		or 265 DU**
	Retail (Restaurant)	32,025 SF	17,000 SF
	Subtotal	507,900 SF	265 DU/17,000 SF
			or 217,000 SF
3	Office	362,875 SF	
	Residential		235 DU**
	Retail/ Restaurant	36,750 SF	23,000 SF
	Subtotal	405,325 SF	235 DU/23,000 SF
4	Residential	117 DU (min)	117 DU (min)
	Retail	11,260 SF	11,260 SF
	Subtotal	117 DU/ 11,260 SF	117 DU/ 11,260 SF

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5	Retail /Restaurant	19,306 SF	19,306 SF
	Office	25,700 SF	25,700 SF
	Theatre	67,370 SF	67,370 SF
	Subtotal	112,376 SF	112,376 SF
Total	Office	1,263,321 SF	419,961 SF/ or 619,961 SF Lot 2 is Office
1-5	Retail	137,241 SF	107,266 SF
	Theatre	67,370 SF	67,370 SF
	Residential	117 DU	617 DU

** Total approved DU for Lots 2 and 3 are 500 DU. Units can be shifted between Lots so long as total does not exceed 500 DU.

4. The heights and massing for Parcel 2-J Lot 3 and Parcel 2-K Lot 2 shall be as set forth on the Preliminary Development Plan Amendment approved April 11, 2005. Sunrooms and porch roofs/awnings attached to the first level of the upper dwelling units can be located within the thirty (30) foot setback so long as the setback is not reduced to less than fifteen (15) feet. Customary structures appropriate for residential amenity space (pool, cabanas, restroom facilities, and the like) may be constructed on the Amenity level noted on the PDP plan without regard to the setbacks provided such structures are not more than a single story.

5. The PDP shall contain a note that a Hotel is an allowable use in combination with the other allowable uses on any of the Preliminary Development Plan lots. The Preliminary Development Plan retains additional traffic capacity over and above the other allowable uses for a Hotel within the Preliminary Development Plan of: 100 am peak hour trips and 100 pm peak hour trips.

The PDP shall contain a note that dwelling units can be shifted between Parcel 2-J Lot 3 and Parcel 2-K Lot 2 so long as the total number of allowable units under the PDP

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for Parcel 2-J and Parcel 2-K is not exceeded and such shifted units can be constructed within the maximum heights.

The PDP shall contain a note that Parcel 2-K Lot 2 is approved with alternative uses: 265 dwelling units and 17,000 gsf retail/commercial OR 200,000 gsf office and 17,000 gsf retail/commercial.

6. The minimum amount of retail space created must be no less than set forth above and efforts should be made to increase the amount of street level retail/restaurant/commercial floor space on all sides of the building where possible.

7. The ground level corner floor space on Parcel 2-J and Parcel 2-K shall include retail/commercial space.

8. At use permit stage, building elevation drawings will be sent to the Mayor and Council for information.

9. At use permit stage on either Parcel 2-J or Parcel 2-K, Applicant shall provide a parking plan that clearly denotes: a) the total number of Preliminary Development Plan spaces being displaced by the planned site development; b) the total number of permanent replacement Preliminary Development Plan spaces being provided; c) the location and operation of those spaces which will be provided during the construction of the planned site development; d) the layout of the surface parking lot remaining open during construction and all access points, new or existing; and e) the layout of the surface parking lot remaining after development is complete and all access points, new or existing. Applicant will work with other business owners within the Preliminary Development Plan to minimize the impacts of the relocation and change in operation of the Preliminary Development Plan parking during project construction.

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During development on either Lot 2 or Lot 3, Applicant shall provide or fund a Parking Coordinator (annualized contribution of \$25,000 provided monthly for the applicable period) to coordinate parking relocation, signage, education, marketing, and PDP tenant and PDP patron relations during the construction, commencing one month before the start of construction and ending one month after the newly constructed replacement PDP parking is open to the public. The City and Applicant shall work together to get the replacement PDP structured parking facility open to the public as early as possible.

Existing surface parking spaces displaced by development on Parcel 2-J Lot 3 or Parcel 2-K Lot 3 shall be incorporated into the structured parking facilities constructed on the lots.

10. Proposed sidewalks will be constructed equal to twenty (20) feet on East Montgomery Avenue, twenty (20) feet on Maryland Avenue, twenty (20) feet on Monroe Street, fifteen (15) feet on Middle Lane, twenty (20) feet on the west side of Renaissance Street, and fifteen (15) feet with an eight (8) foot parallel parking lane on the east side of Renaissance Street such that the parking lane can be barricaded when desired to expand the pedestrian passage/amenity space along that sidewalk at different times.

11. At use permit stage, the Department of Public Works (DPW) requires that the following information be provided and/or action taken:

- a. Provide cross sections for all sidewalks that will be located along all site street frontages.
- b. Applicant shall provide for a minimum of eight (8) feet clear pedestrian zone along all site frontages, except along restaurant frontages with outdoor dining areas

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with the service of alcohol that cannot be located within the tree lawn/amenity area due to City ownership, where the clear pedestrian zone can be reduced to five (5) feet.

c. Public Utility Easements must be provided within the existing recorded Subterranean Easements above the underground parking structures to be built under the Maryland Avenue and Monroe Street sidewalks. On East Middle Lane a public utility easement must be provided equal to the width of the sidewalk within the Applicant's property necessary to expand the existing sidewalk within the East Middle Lane right-of-way to fifteen (15) feet.

d. Renaissance Street must be designed to accommodate through vehicular traffic, one lane in each direction, in the event East Montgomery Avenue is closed for special events. Removable bollards could be used to restrict and control vehicle movements between the proposed garage access points and the public streets. Detailed design to be submitted with the use permit on Parcel 2-J Lot 3 to show the street section within the Renaissance Street public use easement area over the below grade private structured parking facility.

e. Applicant and/or its assigns will enter into a Town Center Maintenance District, when established by the City of Rockville.

f. Prior to issuance of building permits on Parcel 2-J (Lot 3) Applicant will contribute \$123,235 (\$785/trip) towards transportation improvements in the Town Center Planning Area.

g. Prior to issuance of building permits on Parcel 2-J (Lot 3) Applicant shall contribute \$94,249 towards pedestrian and bike improvements being constructed at the intersection of Md. Route 28/Great Falls Road.

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h. Prior to issuance of building permits on Parcel 2-J (Lot 3) Applicant shall contribute \$80,000 towards traffic calming in the surrounding neighborhoods.

i. Prior to issuance of building permits on Parcel 2-K (Lot 2) Applicant shall contribute \$119,320 (\$785/trip) towards transportation improvements in the Town Center Planning Area if the primary use is residential, OR \$273,965 towards transportation improvements in the Town Center Planning Area if the primary use is office.

j. Stormwater management (SWM) will be provided for the planned site development in accordance with the City Code and Maryland SWM regulations established in the year 2000. The Applicant must provide an amended SWM concept plan as per submission requirements established by DPW. The concept plan shall include a summary of SWM, existing SWM facilities, prior waiver approvals, and the calculation of credits for prior waiver fees paid for the subject site.

k. A construction staging plan will be submitted for DPW approval with each use permit to ensure availability of adequate parking and safe pedestrian access throughout all stages of construction.

l. Project plans to comply with requirements of the City's construction codes, fire code, life safety code, state accessibility code, and federal requirements of the American with Disabilities Act (ADA).

12. Site development must comply with the Art in Private Development ordinance requirements, which will be determined by the total number of residential living units (excluding MPDUs), retail floor space and/or office space constructed under the proposed site development.

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13. The Approved Preliminary Development Plan shall remain in full force and effect until the Applicant signs the amended Preliminary Development Plan approval.

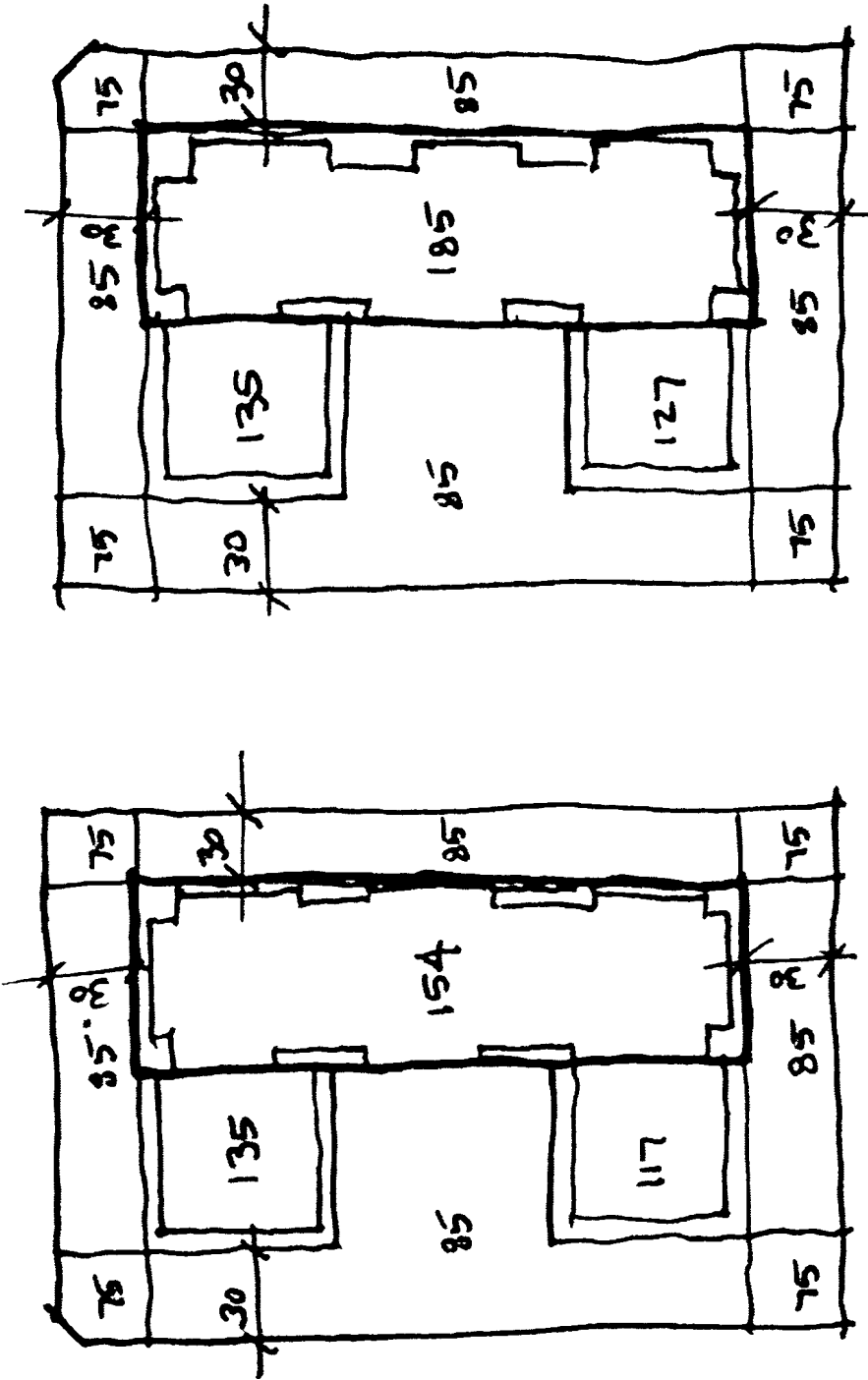
14. Applicant will submit for the approval of the Chief of Planning, 15 copies, revised in accordance with this resolution, of a) the Preliminary Development Plan for Lot 2 and Lot 3, and b) an overall site plan of the Total Preliminary Development Plan to illustrate the proposed site development and the development approved and constructed on all parcels/blocks that make up the PDP area.

* * * * *

I hereby certify that the foregoing is a true and correct copy
of a resolution adopted by the Mayor and Council at its
meeting of _____, 2005.

Claire F. Funkhouser, CMC, City Clerk

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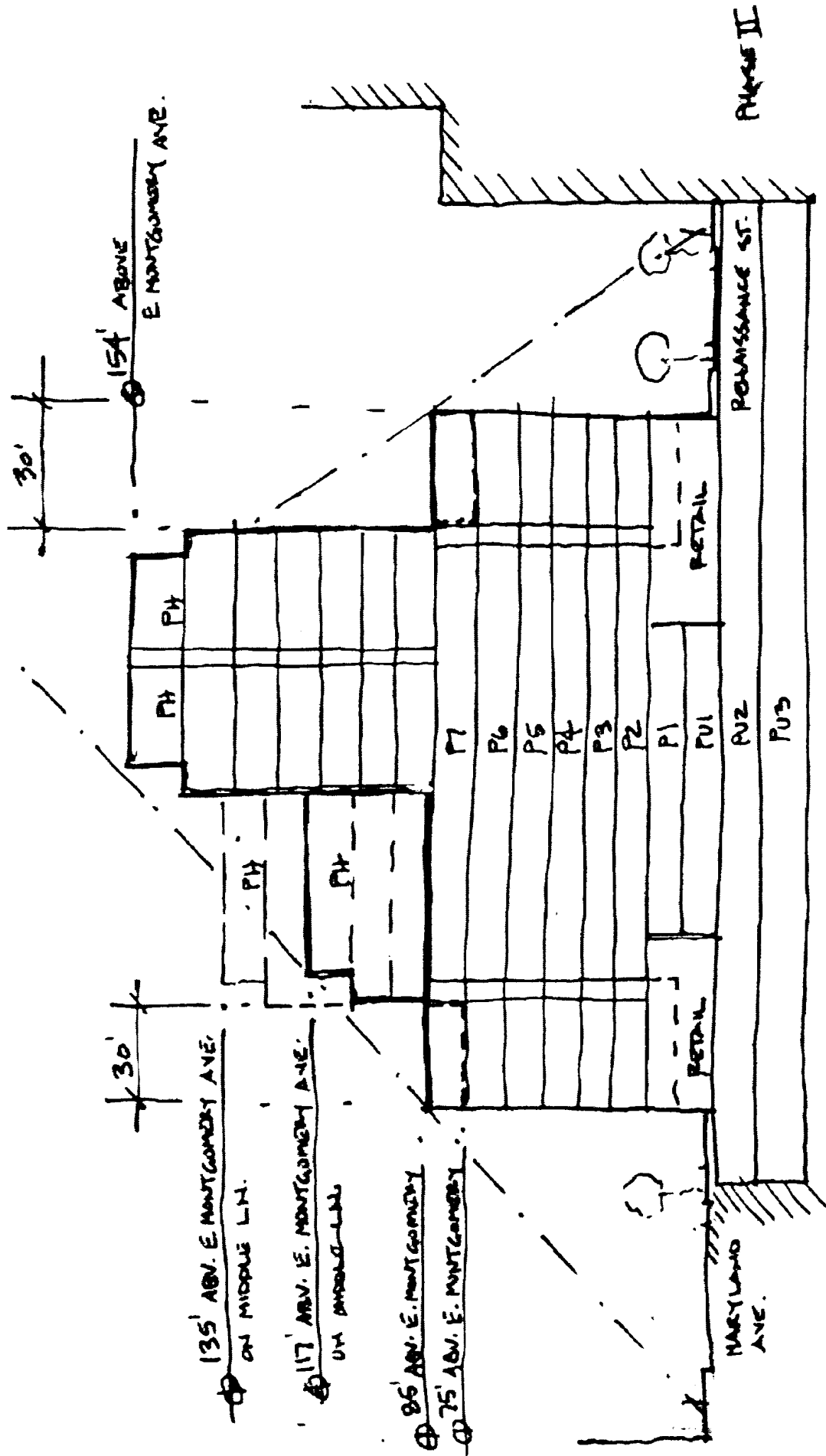
EAST MONTGOMERY AVE

PHASE I

PHASE II

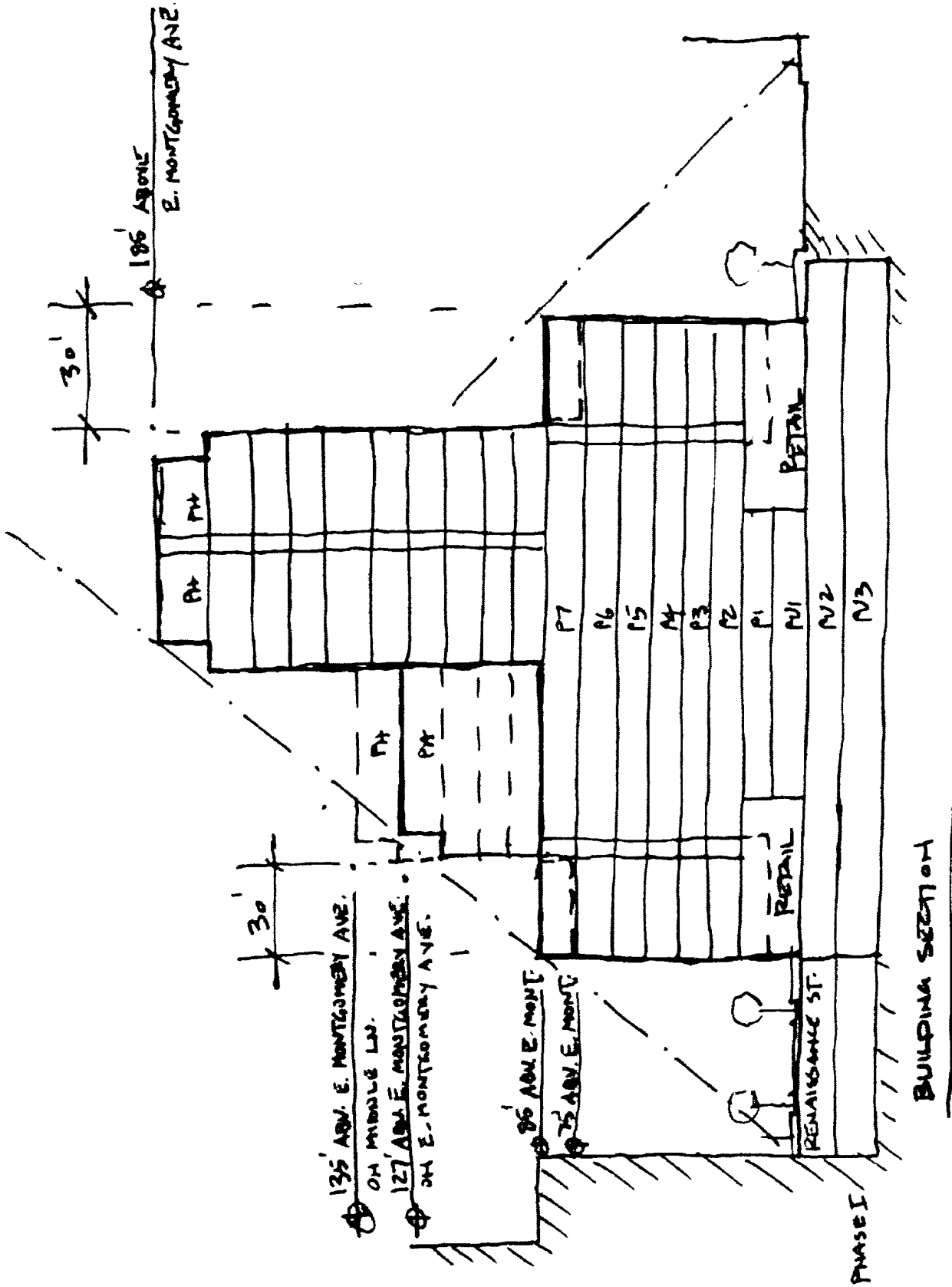
SCHEME H

3.30.05



SCHEME II PHASE I

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SCHEME II PHASE II

3.30.05

**MAYOR AND COUNCIL AGENDA**

NO. 8

DEPT.: Community Planning and Development Services
STAFF CONTACT: Cas Chasten, Planner IIIDATE PREPARED: 3/16/05
FOR MEETING OF: 3/21/05

SUBJECT: Discussion and Instructions to Staff for the request to allow development of the property located at 196 East Montgomery Avenue for residential and retail land use in lieu of the office and retail land uses approved under Preliminary Development Plan PDP1994-0001E

Applicant: Rockville Renaissance West, LLC

RECOMMENDATION: : Instruct staff to prepare a resolution with the conditions contained in Attachment 1 (Circle Page 1).

DISCUSSION: At the March 7th 2005 Mayor and Council meeting, the applicant presented an amended development proposal which reflected the applicant's efforts to address a number of issues and concerns that were raised by the Mayor and Council at its December 13, 2004 meeting. Staff provided a brief overview of the planned site development, as well as highlighting a number of the concerns and issues previously raised by the Mayor and Council with regard to the planned site development. At the conclusion of staff's presentation, the applicant provided additional information which included the following:

- a). Applicant's plan for providing the required amount of vehicular parking within the site area during construction of the project.
- b). Applicant's commitment and efforts to work with existing businesses within the site area, to determine which efforts would be most effective to inform patrons of the availability of site area parking.
- c). Importance of developing a signage program to direct patrons and visitors to available parking within the site area.
- d). Applicant's use of a parking coordinator to work closely with Rockville Economic Development Incorporated (REDI), throughout the construction of the project, in order to educate the general public about the project and overall availability of vehicular parking within the site area.
- e). Status of applicant's discussion with site area businesses to provide and share existing site area parking facilities with the applicant during construction of the project.
- f). Use of a scaled model to illustrate the redesigned development to be constructed on Parcel 2J and potential scale of the development proposed for neighboring Parcel 2K.

After considering all of the information provided, it was the general consensus of the Mayor and Council that the list of recommended conditions of approval referenced in Attachment 1 were acceptable, (which includes changes as agreed to by the Mayor and Council). However it was the collective assessment of the Mayor and Council that the applicant's amended proposal still had not fully addressed their concerns with regard to the massing and height of the proposed development.

The applicant was asked to consider reducing the height of the corners of the proposed buildings, and set back the upper levels of the buildings 15 feet, in lieu of the 5 feet proposed, from the face of the buildings. In order to recapture the amount of living units which might be lost by setting back the upper levels of the buildings to 15 feet, the Mayor and Council indicated that they might entertain an increase in the overall height of the buildings by a single story. After hearing the concerns raised by the Mayor and Council, the applicant agreed to go back and examine how the suggested building design changes could be accommodated in order to move the project forward.

Thus, the purpose of the March 21, 2005 meeting is to continue discussion and instruction by receiving a presentation by the applicant addressing concerns about the massing and heights of the proposed development. The applicant will bring a model of the proposed site development to help facilitate the discussion.

Staff notes that the Mayor and Council's February 28, 2005 agenda for this project is attached for informational purposes.

PREPARED BY:

Castor D. Chasten
Castor D. Chasten, Planner III

APPROVED BY:

Scott Parker
Scott Parker, AICP, Acting Chief of Planning

3/15/05
DATE

APPROVED BY:

Arthur D. Chambers
Arthur D. Chambers, AICP, Director

3/15/05
DATE

APPROVED BY:

Scott Jellery
Scott Jellery, City Manager

3/14/05
DATE

LIST OF ATTACHMENTS:

1. Amended Conditions of Approval (Circle Page 1)
2. Mayor and Council (2/28/05) Agenda (Circle Page 7)

March 15, 2005

Preliminary Development Plan PDP1994-0001E
196 East Montgomery Avenue
Rockville, Maryland 20850

Rockville Renaissance West LLC
c/o Akridge Development Co.
601 13th Street, Northwest
Washington, D.C. 20005

ATTACHMENT 1

Rockville Renaissance West and Tower 2 Associates, Inc.
c/o Blackacre Capital Partnership
299 Park Avenue, 23rd Floor
New York, New York, 10171

REQUEST:

The application as submitted, is an amendment to previously approved Preliminary Development Plan for the Rockville Center Project (PDP94-0001), as amended. The subject amendment, is a proposal to redevelop Parcel 2-J or Block 3, as referenced in the originally approved PDP94-0001, from its previously approved land use of "office and retail" to a mixed use development of primarily residential, with street level commercial, residential amenity facilities, and structured parking facilities. The subject request is submitted in accordance with requirements of Section 25-682 of the City's Zoning Ordinance.

In response to the Mayor and Council's request to include an amendment to Parcel 2-K or Block 2, as referenced in the originally approved PDP94-0001, as to maximum heights and density, the staff, after discussions between staff and the applicant, is submitting the following recommendation for an amendment to Parcel 2-K or Block 2 of PDP94-0001 from its previously approved land use of "office and retail" to an alternative approved land use of either "residential and retail" or "office and retail" with a reduction in both height and density on Parcel 2-K as detailed below.

STAFF RECOMMENDATION:

Approval is recommended subject to the following conditions:

1. Parcel 2-J (Lot 3 Maryland Avenue side)

Allowable Building Height

- a). Renaissance Street - building height of 144 feet.
- b). Middle Lane - building height of 106 feet.
- c). East Montgomery Avenue - building height of 106 feet.
- d). Maryland Avenue - building height of 106 feet.

(These heights are measured from East Montgomery Avenue, not the 448' elevation,

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and include an additional 4 feet over the applicant's last submission to allow for higher ceiling heights in the penthouse units as directed by the Mayor and Council at D&I)

Parcel 2-J (Lot 3) Allowable Uses - Residential
Allowable Number of Living Units - 250 Units
Street Level Retail/Restaurant/Commercial 23,000 s.f.

2. The PDP will also be amended as to Parcel 2-K (Lot 2 Monroe Street side) as follows:
Note: Lot size for Parcel 2-K (Lot 2) is 57,631 s.f. compared to 78,933 s.f. for Parcel 2-J (Lot 3).

Allowable Building Height

- a). Renaissance Street - building height of 106 feet.
- b). Middle Lane - building height of 106 feet.
- c). East Montgomery Avenue - building height of 106 feet.
- d). Monroe Street - building height of 175 feet.

Parcel 2-K (Lot 2) Allowable Uses (in the alternative, either primary use is allowable):

Allowable Number of Living Units - 250 Units
Street Level Retail/restaurant/Commercial 15,000 s.f.

OR

Allowable square feet of Office – 200,000
Street level Retail/Restaurant/Commercial 15,000 s.f.

3. The PDP shall contain a note that a Hotel is an allowable use in combination with the other allowable uses on any of the PDP lots and the Planning Commission may exceed the height limit set forth in the PDP to accommodate the co-location of a hotel with other allowable uses on such lot. The PDP retains additional traffic capacity over and above the other allowable uses of: 100 a.m. peak hour trips and 100 pm peak hour trips for a Hotel within the PDP.

The PDP shall contain a note that living units can be shifted between Parcel 2-J and Parcel 2-K so long as the total number of allowable units under the PDP for Parcel 2-J and Parcel 2-K is not exceeded and such shifted units can be constructed within the maximum heights.

4. Penthouses (top-level residential units) must be setback five (5) feet from the building facade of the level below.

5. The minimum amount of retail space created must be no less than set forth above and efforts should be made to increase the amount of street level retail/restaurant/commercial floor space on all sides of each building where possible.



6. At the use permit stage, building elevation drawings will be sent to the Mayor and Council for information.
7. The ground level corner floor space on Parcel 2-J and Parcel 2-K shall include retail space.
8. At use permit stage on either lot, Applicant shall provide a parking plan that clearly denotes: a) the total number of PDP spaces being displaced by the planned site development; b) total number of permanent replacement PDP spaces being provided; and c) the location and operation of those spaces which will be provided during the construction of the planned site development. Applicant will work with other business owners within the PDP to minimize impacts of the relocation and change in operation of PDP parking during project construction.

During development on either lot, Applicant to provide or fund a Parking Coordinator (annualized contribution of \$25,000 provided monthly for the applicable period) to coordinate parking relocation, signage, education, marketing, and PDP tenant and PDP patron relations during construction, commencing one month before the start of construction and ending one month after the newly constructed replacement PDP parking is open to the public. The City and Applicant shall work together to get the replacement PDP structured parking facility open to the public as early as possible, even while construction is continuing on the building structure above the parking facility.

9. Proposed sidewalks will be constructed in accordance with plans submitted to the Mayor and Council on December 6, 2004. Parcel 2-K (Lot 2) will provide sidewalk widths of 20 feet on East Montgomery, 20 feet on Monroe Street, 15 feet along Renaissance Street with an 8 foot parallel parking lane that can be barricaded when desired to expand the pedestrian passage/amenity space at different times similar to Town Square, and 15 feet on Middle Lane.

11. At the projects use permit stage, the Department of Public Works (DPW) requires the following information be provided and/or action taken.

- a. Provide cross section/s for all sidewalks that will be located along all site street frontages.
- b. Applicant shall provide for a minimum of 8 feet of clear pedestrian zone and seven feet of tree/amenity zone along all site frontages. Trees are not required on E. Montgomery Avenue and Renaissance Street due to underground structures.
- c. Public Utility Easements must be provided on East Middle Lane, ten feet in width and within the existing recorded Easements above the underground parking structures on Maryland Avenue and Monroe Street.
- d. Renaissance Street must be designed to accommodate through vehicular traffic, in the event East Montgomery Avenue is closed for special events. Removable bollards could be

used to restrict and control vehicle movements between the proposed garage access point.

e. Applicant and/or its assigns will enter into a Town Center Maintenance District, when established by the City of Rockville.

f. Prior to the issuance of building permits on Parcel 2-J Lot 3 Applicant shall contribute \$135,000 towards transportation improvements in the Town Center Planning Area.

g. Prior to issuance of building permits on Parcel 2-J Lot 3 Applicant shall contribute \$94,249 toward pedestrian and bike improvements being constructed at the intersection of Md. Route 28/Great Falls Road.

h. Prior to the issuance of building permits on Parcel 2-J Lot 3 Applicant shall contribute \$80,000 towards traffic calming in the surrounding neighborhoods.

i. Denote at Use Permit: how the east parking lot (i.e., Parcel 2-K Lot 2) will be accessed during construction of the subject site and after development is completed.

j. Prior to the issuance of building permits on Parcel 2-K Lot 2 Applicant shall contribute \$110,685 towards transportation improvements in the Town Center Planning Area if primary use is residential. (This change in use results in a 70% reduction in trips for amending from 480,375 s.f. of office to 250 living units).

OR

Prior to the issuance of building permits on Parcel 2-K Lot 2 for a primarily office development, Applicant shall contribute \$270,040 towards transportation improvements in the Town Center Planning Area (reflects the reduction in trips for the 59% reduction in density from 480,375 s.f. of office to 200,000 s.f. of office).

k. Stormwater management (SWM) will be provided for the planned site development. SWM must be provided in accordance with City code and Maryland SWM regulations established in the year 2000. The applicant must provide a SWM concept plan as per submission requirements established by DPW. The concept plan shall also include a summary of SWM for the subject site.

l. A construction staging plan will be submitted for DPW approval, with each use permit, to ensure the availability of adequate parking and safe pedestrian access, throughout all stages of construction.

12. Site development must comply with Art in Private Development requirements, which will be determined by the total number of residential living units and amount of retail floor space or office space constructed under the proposed site development.

13. After approval of requested amendment, total PDP Allowable Uses:

Use	Prior	Proposed
Theatre	67,370 s.f.	67,370 s.f.
Retail	137,241 s.f.	94,000 s.f.
Residential	117 du	617 du
Office	1,263,321 s.f.	419,961 s.f.

OR

Alternative Allowable Uses, if Parcel 2-K Lot 2 is primarily Office:

Use	Prior	Proposed
Theatre	67,370 s.f.	67,370 s.f.
Retail	137,241 s.f.	94,000 s.f.
Residential	117 du	367 du
Office	1,263,321 s.f.	619,961 s.f.

Comparison of Approved PDP to Original Application for Amendment, Public Hearing
Amendment and Option B:

Use/ Height:	Approved PDP94- 001	Application	Public Hearing	Option B
Office - Parcel 2-J (Lot 3)	362,875 sf	-	-	n/a
- Parcel 2-K (Lot 2)	480,375 sf	-	-	200,000 sf (alternate)
Retail - Parcel 2-J	36,750 sf	17,340 sf	23,000 sf	23,000 sf
- Parcel 2-K	32,025 sf	-	-	15,000 sf
Residential - Parcel 2-J	-	299 du	260 du	250 du
- Parcel 2-K	-	-	-	250 du
Parcel 2-J (Lot 3)				
Height - Maryland Ave	150.5	89.5	102	106
Height - Renaissance St	220.5	198.5	178.5	144
Height - Middle Lane	150.5	133.5	102	106
Height - E. Montgomery	220.5	63.5	102	106
Parcel 2-K (Lot 2)				
Height - Renaissance St	205.5	-	-	106
Height - Middle Lane	243.5	-	-	106
Height - Monroe St	243.5	-	-	175
Height - E. Montgomery	205.5	-	-	106

Heights shown are from E. Montgomery Avenue not 448' elevation

Option B Heights include additional 4 foot to allow for 14-foot penthouse level per Mayor and Council recommendation

25





MAYOR AND COUNCIL AGENDA

NO. 10

DEPT.: Community Planning and Development Services
STAFF CONTACT: Cas Chasten, Planner III

DATE PREPARED: 2/22/05
FOR MEETING OF: 2/28/05

SUBJECT: Discussion and Instructions to Staff for the request to allow development of the property located at 196 East Montgomery Avenue for residential and retail land use in lieu of the office and retail land uses approved under Preliminary Development Plan PDP1994-0001E.

Applicant: Rockville Renaissance West, LLC

RECOMMENDATION: : Instruct staff to prepare a resolution with the conditions contained in Attachment 2 (Circle Page 2).

DISCUSSION: During the November 1, 2004 public hearing, the Mayor and Council raised a number of issues and concerns with the development proposal which included, but were not limited to, the following:

- Vehicular parking calculations for the overall PDP project site area and those for the subject parcel.
- The percentage of retail space approved for the overall PDP site area and that proposed for the subject parcel.
- The proposed height and massing of the proposed buildings along Renaissance Street and East Montgomery Avenue.
- Proposed sidewalk widths were viewed to not be consistent with other projects previously approved for Proposed sidewalk the Town Center, etc.

The applicant submitted a revised plan on November 30, 2004 and follow-up information on December 6, 2004 to address concerns raised at the November 1, 2004 public hearing. These changes included:

1. Reducing the dwelling units from 285 to 260. The Mayor and Council did not express concerns on this issue.
2. Increasing retail space from 20,000 to 23,000 square feet. Individuals on the Mayor and Council indicated that this was an improvement but would like to explore opportunities to increase it.
3. Increasing the depth of retail on East Montgomery Avenue and Renaissance Street to 50 feet. Individuals on the Mayor and Council generally indicated support for the increase with some interest in increasing the total amount.
4. Reduced height along Renaissance Street from 170 to 151.5 feet (above the 448 foot level) with an increased setback. The Mayor and Council indicated concern about the height of the building, the

impact on nearby development, the relationship to proposed buildings on the east side of Renaissance Street, and the desire to have the mass moved more to the center of the block.

5. Reduced height along Middle Lane from 125 to 93.5 feet (above the 448 foot level). The Mayor and Council indicated general concerns about building height but did not specifically express concerns about this height.

6. Increase sidewalk widths on Maryland Avenue, E. Montgomery Avenue, and Renaissance Street from 15 to 20 feet wide by shifting the building five (5) feet to the east and removing parking spaces in the garage. The Mayor and Council expressed support for this change.

In addition, the Mayor and Council raised the following concerns at its December 6, 2004 meeting:

- Design and status of Renaissance Street.
- Compatibility of the subject proposal with that of the future development of the abutting Block 2/Parcel 2K site.
- Truck turning movements via the loading dock onto Middle Lane and Maryland Avenue.

The Mayor and Council voted to defer formal discussion and instruction on this matter, asking that it be scheduled for the December 13, 2004 meeting. The Mayor and Council requested that the applicant evaluate opportunities to address the noted concerns.

At its meeting on December 13, 2004, the Mayor and Council discussed the applicant's response to the issues previously raised, noting their continued concerns with the proposal as amended. Specifically, respective members of the Mayor and Council raised the following: a) The proposed building/s should be no taller than 100 to 120 feet in height; b) Subject proposal should include sufficient information and/or detail on how the abutting Block 2/Parcel 2K site is to be developed; c) The loss of parking spaces on the subject site, could adversely impact neighboring businesses during the construction phase of the proposed site development; and d) The project should not proceed until the proposed two (2) new parking garages are constructed in the Town Center.

Based on said concerns, the Mayor and Council voted to defer formal action on the preliminary development plan amendment, in order to allow the applicant additional time to continue to work with staff in addressing all such concerns.

Thus, included in this submission packet, is Attachment 2 (Circle Pages 2 thru 8), which reflects the applicant's attempts to address the most recent concerns raised by the Mayor and Council at its December 13, 2004 meeting.

Boards and Commissions Review: Planning Commission reviewed the request on October 27, 2004.

Next Steps: Mayor and Council will direct staff to prepare a resolution for adoption, approving the application request, based on the revised development proposal, i.e., Attachment 2 (Circle Page 2), discussed and considered at its February 28, 2005 meeting.

impact on nearby development, the relationship to proposed buildings on the east side of Renaissance Street, and the desire to have the mass moved more to the center of the block.

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PREPARED BY:

Castor D. Chasten

Castor D. Chasten, Planner III

APPROVED BY:

Scott Parker

Scott Parker, AICP, Acting Chief of Planning

2/25/05

DATE

APPROVED BY:

Arthur D. Chambers

Arthur D. Chambers, AICP, Director

2/23/05

DATE

APPROVED BY:

Scott Ullery

Scott Ullery, City Manager

2/23/05

DATE

LIST OF ATTACHMENTS:

1. Previously Proposed Site Development Plan (Circle Page 1)
2. Applicant's Response to Staff Recommendation of Approval (Circle Page 2)
3. December 13, 2004 Agenda Sheet (Without Attachments) (Circle Page 9)
4. Proposed Site Development Plan (Circle Page 12)
5. Site Area Parking Availability During Construction (Circle Page 13)

February 1, 2005

ATTACHMENT 2

Preliminary Development Plan PDP1994-0001E
196 East Montgomery Avenue
Rockville, Maryland 20850

Rockville Renaissance West LLC
c/o Akridge Development Co.
601 13th Street, Northwest
Washington, D.C. 20005

Rockville Renaissance West and Tower 2 Associates, Inc.
c/o Blackacre Capital Partnership
299 Park Avenue, 23rd Floor
New York, New York, 10171

REQUEST:

The application as submitted, is an amendment to previously approved Preliminary Development Plan for the Rockville Center Project (PDP94-0001), as amended. The subject amendment, is a proposal to redevelop Parcel 2-J or Block 3, as referenced in the originally approved PDP94-0001, from its previously approved land use of "office and retail" to a mixed use development of primarily residential, with street level commercial, residential amenity facilities, and structured parking facilities. The subject request is submitted in accordance with requirements of Section 25-682 of the City's Zoning Ordinance.

In response to the Mayor and Council's request to include an amendment to Parcel 2-K or Block 2, as referenced in the originally approved PDP94-0001, as to maximum heights and density, the staff, after discussions between staff and the applicant, is submitting the following recommendation for an amendment to Parcel 2-K or Block 2 of PDP94-001 from its previously approved land use of "office and retail" to an alternative approved land use of either "residential and retail" or "office and retail" with a reduction in both height and density on Parcel 2-K as detailed below.

STAFF RECOMMENDATION:

Approval is recommended subject to the following conditions:

1. Parcel 2-J (Lot 3 Maryland Avenue side)

Allowable Building Height

- a). Renaissance Street - building height of 144 feet.
- b). Middle Lane -building height of 106 feet.
- c). East Montgomery Avenue- building height of 106 feet.
- d). Maryland Avenue - building height of 106 feet.

(These heights are measured from East Montgomery Avenue, not the 448' elevation,

and include an additional 4 feet over the applicant's last submission to allow for higher ceiling heights in the penthouse units as directed by the Mayor and Council at D&I)

Parcel 2-J (Lot 3) Allowable Uses - Residential
Allowable Number of Living Units - 250 Units
Street Level Retail/Restaurant/Commercial 23,000 sf

2. The PDP will also be amended as to Parcel 2-K (Lot 2 Monroe Street side) as follows:
Note: Lot size for Parcel 2-K (Lot 2) is 57,631 sf compared to 78,933 sf for Parcel 2-J (Lot 3).

Allowable Building Height

- a). Renaissance Street - building height of 106 feet.
- b). Middle Lane - building height of 106 feet.
- c). East Montgomery Avenue - building height of 106 feet.
- d). Monroe Street - building height of 175 feet.

Parcel 2-K (Lot 2) Allowable Uses (in the alternative, either primary use is allowable):

Allowable Number of Living Units - 250 Units
Street Level Retail/restaurant/Commercial 15,000 sf
OR
Allowable square feet of Office – 200,000
Street level Retail/Restaurant/Commercial 15,000 sf

3. The PDP shall contain a note that a Hotel is an allowable use in combination with the other allowable uses on any of the PDP lots and the Planning Commission may exceed the height limit set forth in the PDP to accommodate the co-location of a hotel with other allowable uses on such lot. The PDP retains additional traffic capacity over and above the other allowable uses of: 100 am peak hour trips and 100 pm peak hour trips for a Hotel within the PDP.

The PDP shall contain a note that living units can be shifted between Parcel 2-J and Parcel 2-K so long as the total number of allowable units under the PDP for Parcel 2-J and Parcel 2-K is not exceeded and such shifted units can be constructed within the maximum heights.

4. Penthouses (top level residential units) must be setback five (5) feet from the building facade of the level below.

5. The minimum amount of retail space created must be no less than set forth above and efforts should be made to increase the amount of street level retail/restaurant/commercial floor space on all sides of each building where possible.

6. At the use permit stage, building elevation drawings will be sent to the Mayor and Council for information.

7. The ground level corner floor space on Parcel 2-J and Parcel 2-K shall include retail space.

8. At use permit stage on either lot, Applicant shall provide a parking plan that clearly denotes: a) the total number of PDP spaces being displaced by the planned site development; b) total number of permanent replacement PDP spaces being provided; and c) the location and operation of those spaces which will be provided during the construction of the planned site development. Applicant will work with other business owners within the PDP to minimize impacts of the relocation and change in operation of PDP parking during project construction.

During development on either lot, Applicant to provide or fund a Parking Coordinator (annualized contribution of \$25,000 provided monthly for the applicable period) to coordinate parking relocation, signage, education, marketing, and PDP tenant and PDP patron relations during construction, commencing one month before the start of construction and ending one month after the newly constructed replacement PDP parking is open to the public. The City and Applicant shall work together to get the replacement PDP structured parking facility open to the public as early as possible, even while construction is continuing on the building structure above the parking facility.

9. Proposed sidewalks will be constructed in accordance with plans submitted to the Mayor and Council on December 6, 2004. Parcel 2-K (Lot 2) will provide sidewalk widths of 20 feet on East Montgomery, 20 feet on Monroe Street, 15 feet along Renaissance Street with an 8 foot parallel parking lane that can be barricaded when desired to expand the pedestrian passage/amenity space at different times similar to Town Square, and 15 feet on Middle Lane.

11. At the projects use permit stage, the Department of Public Works (DPW) requires the following information be provided and/or action taken.

a. Provide cross section/s for all sidewalks that will be located along all site street frontages.

b. Applicant shall provide for a minimum of 8 feet of clear pedestrian zone along all site frontages

c. Public Utility Easements must be provided on East Middle Lane of seven (feet) and within the existing recorded Easements above the underground parking structures on Maryland Avenue and Monroe Street.

d. Renaissance Street must be designed to accommodate through vehicular traffic, in the event East Montgomery Avenue is closed for special events. Removable bollards could be used to restrict and control vehicle movements between the proposed garage access point.



- e. Applicant and/or its assigns will enter into a Town Center Maintenance District, when established by the City of Rockville.
- f. Prior to the issuance of building permits on Parcel 2-J Lot 3 Applicant shall contribute \$135,000 towards transportation improvements in the Town Center Planning Area.
- g. Prior to issuance of building permits on Parcel 2-J Lot 3 Applicant shall contribute \$94,249 toward pedestrian and bike improvements being constructed at the intersection of Md. Route 28/Great Falls Road.
- h. Prior to the issuance of building permits on Parcel 2-J Lot 3 Applicant shall contribute \$80,000 towards traffic calming in the surrounding neighborhoods.
- i. Denote at Use Permit how the east parking lot (i.e., Parcel 2-K Lot 2) will be accessed during construction of the subject site and after development is completed.
- j. Prior to the issuance of building permits on Parcel 2-K Lot 2 Applicant shall contribute \$110,685 towards transportation improvements in the Town Center Planning Area if primary use is residential. (This change in use results in a 70% reduction in trips for amending from 480,375 sf of office to 250 living units).

OR

Prior to the issuance of building permits on Parcel 2-K Lot 2 for a primarily office development, Applicant shall contribute \$270,040 towards transportation improvements in the Town Center Planning Area (reflects the reduction in trips for the 59% reduction in density from 480,375 sf of office to 200,000 sf of office).

- 12. Site development must comply with Art in Private Development requirements, which will be determined by the total number of residential living units and amount of retail floor space or office space constructed under the proposed site development.
- 13. After approval of requested amendment, total PDP Allowable Uses:

Use	Prior	Proposed
Theatre	67, 370 sf	67,370 sf
Retail	137,241 sf	94,000 sf
Residential	117 du	617 du
Office	1,263,321 sf	419,961 sf

OR

Alternative Allowable Uses, if Parcel 2-K Lot 2 is primarily Office:

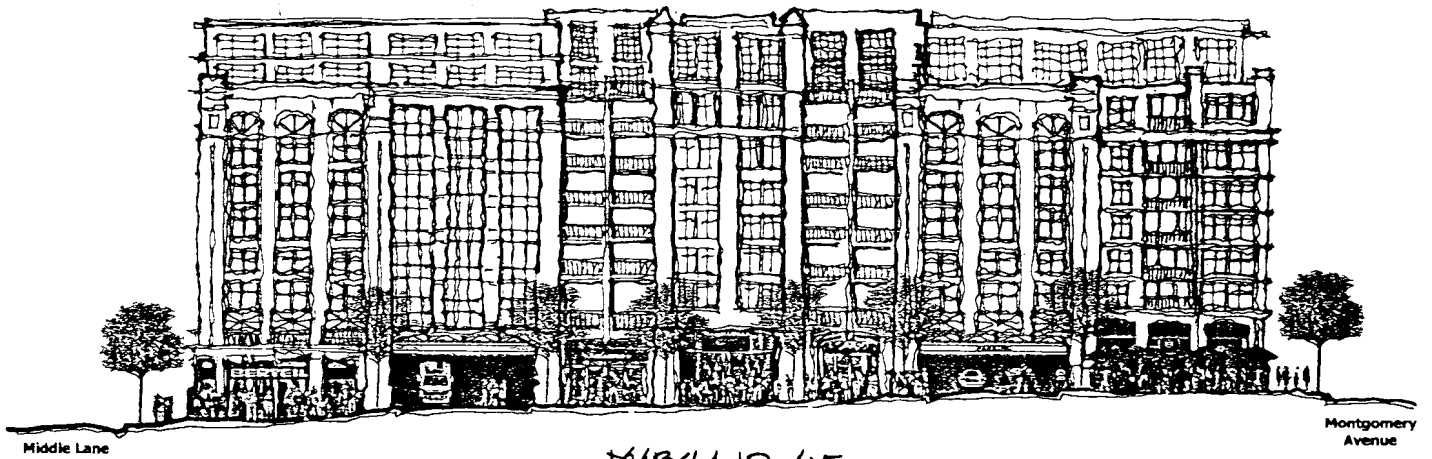
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Comparison of Approved PDP to Original Application for Amendment, Public Hearing
Amendment and Option B:

Use/ Height	Approved PDP94-001	Application	Public Hearing	Option B
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- Parcel 2-K (Lot 2)	480,375 sf	-	-	200,000 sf (alternate)
Retail – Parcel 2-J	36,750 sf	17,340 sf	23,000 sf	23,000 sf
- Parcel 2-K	32,025 sf	-	-	15,000 sf
Residential – Parcel 2-J	-	299 du	260 du	250 du
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Heights shown are from E. Montgomery Avenue not 448' elevation

Option B Heights include additional 4 foot to allow for 14 foot penthouse level per Mayor and Council recommendation



Middle Lane

Montgomery
Avenue

MARYLAND AVE.

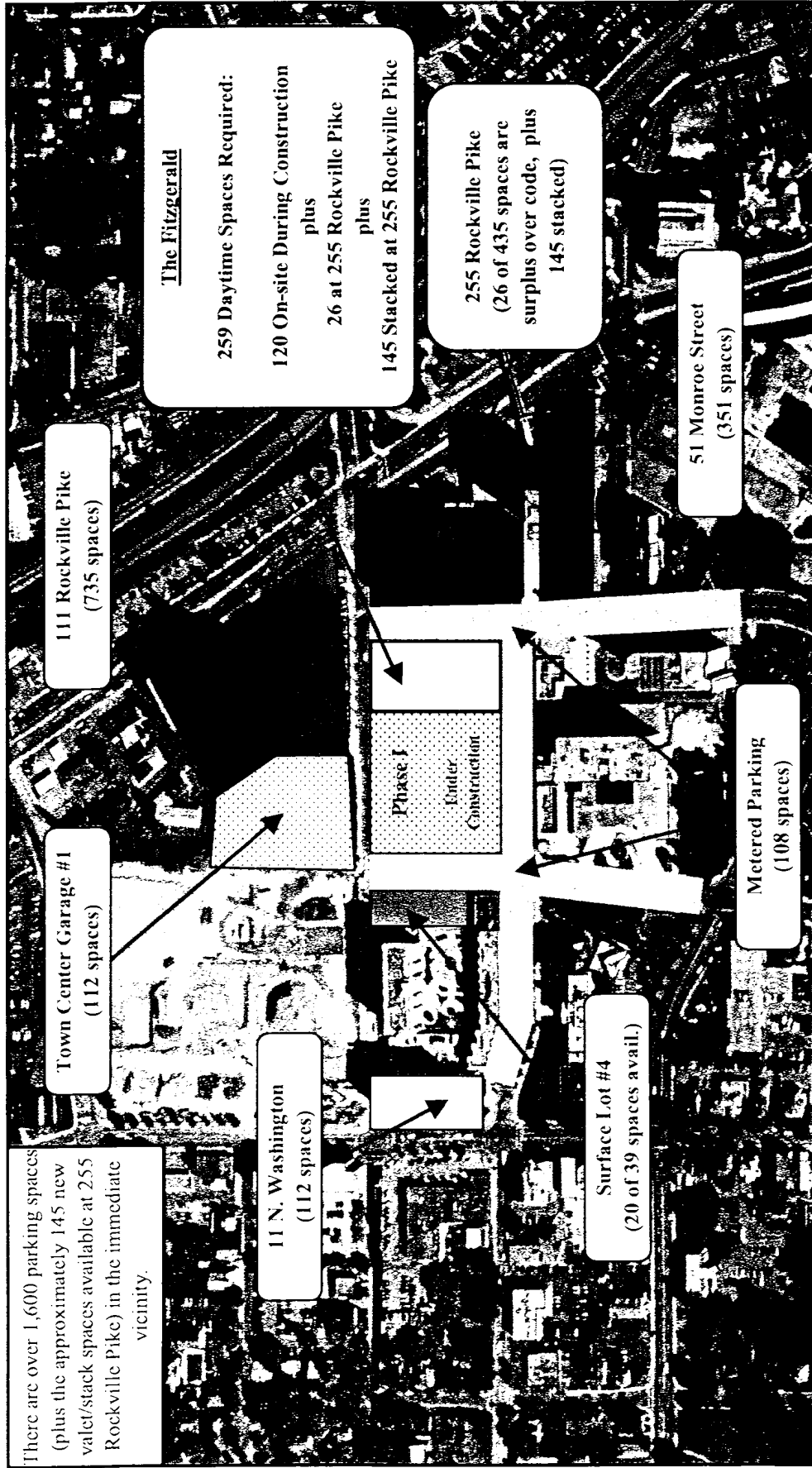
SCALE 1/16" = 1'-0"

1/22/05

Rockville Town Center

Daytime Parking - 259 Spaces Required

During Construction of the Fitzgerald

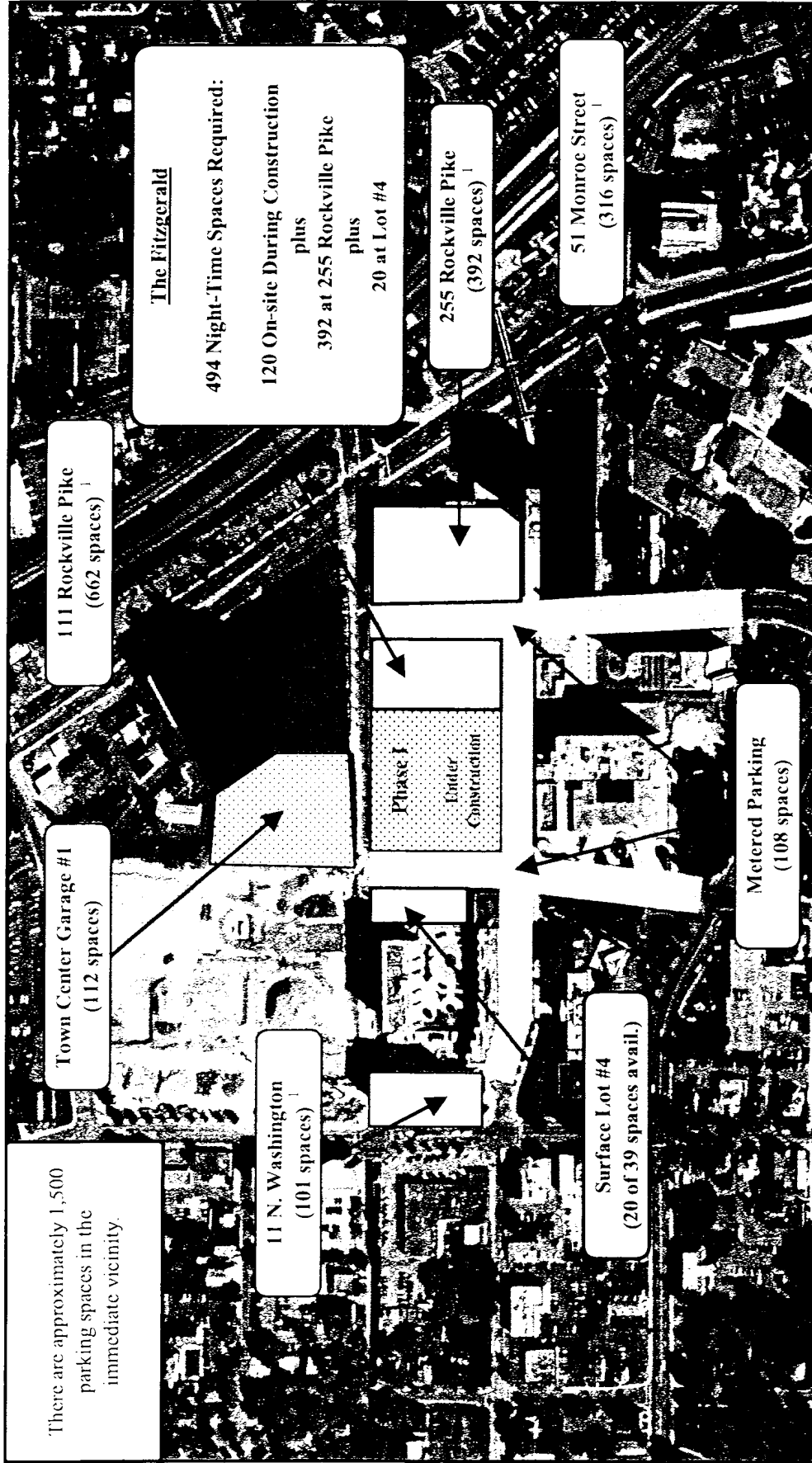


During development on either Phase, Applicant shall provide or fund a Parking Coordinator (annualized contribution of \$25,000 provided monthly for the applicable period) to coordinate parking relocation, signage, education, marketing, and PDP tenant and PDP patron relations during construction, commencing one month before the start of construction and ending one month after the newly constructed PDP parking is open to the public. The Parking Coordinator will work with RED! on all the above activities.

Rockville Town Center

Night-time Parking - 494 Spaces Required

During Construction of the Fitzgerald



¹ Based on 90% of total parking spaces

During development on either Phase, Applicant shall provide or fund a Parking Coordinator (annualized contribution of \$25,000 provided monthly for the applicable period) to coordinate parking relocation, signage, education, marketing, and PDP tenant and PDP patron relations during construction, commencing one month before the start of construction and ending one month after the newly constructed replacement PDP parking is open to the public. The Parking Coordinator will work with RED1 on all the above activities.